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Gray Davis
Governor

John J. Johnson, General Manger
Casitas Municipal Water District
1055 Ventura Avenue
P.O. Box 37
Oak View, CA 93022

CONDITIONAL CERTIFICATION FOR PROPOSED ROBLES DIVERSION FISH PASSAGE PROJECT (CORPS' PROJECT NO. 2003-00260-JWM), VENTURA RIVER, UNINCORPORATED AREA NEAR MEINERS OAKS, VENTURA COUNTY (FILE NO. 00-067)

Dear Mr. Johnson:

Regional Board staff has reviewed your request on behalf of the Casitas Municipal Water District (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 23, 2003.

I hereby certify that any discharge from the Robles Diversion Fish Passage Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

[Original signed by]
Dennis A. Dickerson
Executive Officer

[July 23, 2003]
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information

File No. **00-067**

1. Applicant: John J. Johnson
Casitas Municipal Water District
1055 Ventura Avenue
P.O. Box 37
Oak View, CA 93022
Phone: (805) 649-2251 Fax: (805) 649-3001
2. Applicant's Agent: None
3. Project Name: Robles Diversion Fish Passage Project
4. Project Location: Unincorporated area near Meiners Oaks, County of Ventura

Township: T5N; Range: R23W; SE ¼ of Section 33
Township: T4N; Range: R23W; NE ¼ of Section 4

Latitude: 34° 28' 00", Longitude: 119° 17' 15"
5. Type of Project: Diversion Fish Passage Project
6. Project Description: *Purpose:* The purpose of this project is to provide steelhead trout access to suitable spawning and rearing habitat upstream of Robles Diversion Dam.

Description: The Casitas Municipal Water District (Casitas) has proposed to modify the existing Robles Diversion Dam to construct fish passage and screening facilities. This modification will ameliorate a substantial adverse impact on southern California steelhead, which is listed as an endangered species under the Federal Endangered Species Act. The Robles Diversion Dam currently blocks access to over 6 miles of historic spawning and rearing habitat for this species.

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Several new components will be added to the existing facility to accommodate fish passage at this site. Construction of some of these components will require work in the Ventura River and on its banks in the diversion forebay and approximately 800 feet of the channel downstream of the existing dam.

No wetlands exist at the project site; however riparian vegetation located on the banks of the Ventura River within the project site will be disturbed. Mitigation will be provided for in the form of re-vegetating the streambanks where existing riparian vegetation has been destroyed. As part of the design phase of the project, Casitas has already minimized the need for disturbance of existing habitat to the maximum extent practicable.

The project will consist of the following components:

- Installation of a fish screen and diversion structure within Robles Diversion Facilities to avoid entrainment;
- Installation of a flow control structure;
- Installation of a flow measurement structure;
- Installation of a fish guidance device in the diversion canal;
- Construction of a fishway at Robles Diversion Dam;
- Installation of an auxiliary water supply pipeline exit channel;
- Installation of fish exit channel;
- Modification of streambed downstream of spillway to add a baffled apron structure and 15 low-head stone weirs; and
- Installation of fish monitoring facilities.

Construction:

Construction activities will commence in August 2003 and will be completed by December 2004. In-channel work to install the high-flow fish exit, low-flow fish exit, and fishway will occur during the 2003 low-flow season. Construction of the low-head weirs, will occur during the 2004 low-flow season. The bulk of the disturbance would occur during Summer 2004. Revegetation will occur once the in-channel work is completed.

7. Federal
Agency/Permit:

U.S. Army Corps of Engineers
NWP No. 27 (Permit No. 2003-00260-JWM)

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- | | |
|---|---|
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement

National Marine Fisheries Service
Section 7 Consultation |
| 9. California
Environmental Quality
Act (CEQA)
Compliance: | The Casitas Municipal Water District of the City of Casitas approved the project's Mitigated Negative Declaration on January 17, 2001. |
| 10. Receiving Water: | Ventura River (Hydrologic Unit No. 402.20) |
| 11. Designated Beneficial
Uses: | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, and WET |
| 12. Impacted Waters of the
United States: | Non-wetland waters (vegetated streambed):

Fishway – 0.03 permanent and 0.76 temporary acres

Downstream (weirs and jump pool) – 0.60 permanent and 2.00 temporary acres

Total - 0.63 permanent and 2.76 temporary acres |
| 13. Dredge Volume: | None |
| 14. Related Projects
Implemented/to be
Implemented by the
Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |

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15. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Prior to initiation of construction, the limits of the impact areas shall be delineated by placement of temporary construction fencing or stakes and signage in order to avoid any impacts outside of the project area;
- Siltation and turbidity control measures shall be utilized (e.g., silt fences, hay bales, jute netting, or other appropriate means) in all areas where disturbed soils may potentially wash into waters via rainfall or runoff. Such measures shall remain in place until the project is complete and exposed soils are stabilized; and
- No debris, soil, silt, sand, rubbish, cement or washings thereof, or petroleum products or washings thereof, are allowed to enter into or are placed where it may be washed by rainfall or runoff into the waterway. When project operations are completed, all excess construction materials, debris, or other excess associated project materials, shall be removed to an appropriate off-site location.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed the revegetation of the areas disturbed by construction activities associated with the proposed project. The total area proposed for the mitigation, including the upland riparian transition zone is 0.76 acres and 3.52 acres for the Downstream Section. Total mitigation proposed would be 4.28 acres on-site. Also proposed are invasive and exotic vegetation management in order to promote native colonization and coverage area.

ATTACHMENT B

Conditions of Certification File No. 00-067

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

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Conditions of Certification File No. 00-067

4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall all restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.

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Conditions of Certification File No. 00-067

8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **2.76 acres** waters of the United States by creating or restoring riparian habitat at a minimum 1:1 area replacement ratio (3.52 acres). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.63 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum 1:1.2 area replacement ratio (0.76 acres).
9. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
10. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **00-067**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
11. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
12. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

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Conditions of Certification File No. 00-067

13. This certification shall expire **five (5) years** from the date of signature. The Applicant must request a renewal of this certification 180 days prior to its termination, if the project as described has not been completed. Renewals may be subject to additional filing fees, and will require Regional Board approval.